

DICONZA TRAURIG KADISH LLP
630 Third Avenue
New York, New York 10017
Tel: (212) 682-4940
Fax: (212) 682-4942
Allen G. Kadish
Email: akadish@dtklawgroup.com

*Proposed Counsel for Ken Nahoum,
Debtor and Debtor in Possession*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

In re: Chapter 11

KEN NAHOUM, Case No. 16-12662 (MG)

Debtor.

----- x

AFFIDAVIT OF KEN NAHOUM
PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

KEN NAHOUM, being duly sworn, declares as follows:

1. I (the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) on September 20, 2016 (the “Petition Date”). I submit this Declaration in support of my chapter 11 petition and pursuant to Southern District of New York Local Bankruptcy Rule 1007-2. Unless otherwise stated, I have personal knowledge of the facts contained herein.

A. Background

2. I have worked for decades as a commercial photographer and filmmaker. I have also accumulated certain real property interests, primarily in two residential properties worth multi-millions of dollars.

B. Circumstances Leading to the Chapter 11

3. Recently foreclosure proceedings commenced and proceeded against my properties. In addition, my commercial photography and filmmaking business has declined. I filed this chapter 11 case to preserve and maximize asset values for all my creditors and afford me the necessary time and statutory tools to reorganize my financial affairs.

C. Objectives of the Debtor's Chapter 11 Case

4. The Debtor intends to use the chapter 11 process to halt the foreclosure actions and address the real estate interests and the encumbrances thereon. I will also use the chapter 11 to pursue ways to restore my commercial photography and filmmaking business and professional career.

D. My Primary Assets

5. I currently reside at 95 Greene Street, Units PH A and E (and roof space), New York, New York 10012, in the Soho neighborhood (the "Condo"). Before I bought a unit I lived as a tenant in PH E starting about 1984. The Condo was purchased in phases over 17 years. First, in or about 1992 I bought unit PH E. In or about 1997, I bought unit PH A. Then, in or about 2002, my former significant other, Basia (Barbara) Milewicz, with whom I lived from about 1995, bought unit PH B. Then, together we bought Unit PH C; in or about 2013, we sold unit PH C. In or about 2003, I bought roof

space and acquired a lease to certain other roof space. The remaining units, PH A, B and E and the roof space are combined and are one contiguous living space, although each unit has its own certificate of occupancy and can be separated. Millions of dollars were spent over many years on construction and improvements. The secured lender asserts a single first mortgage against all the units and the roof-owned space. Both Ms. Milewicz and I are jointly obligated on the mortgage. With accrued interest, the secured lender is owed approximately \$9.3 million. There are other encumbrances on the Condo including in favor of the condominium association and potentially several other lienors. I believe the Condo is worth in excess of \$17 million, well above the mortgage and liens thereon.

6. Ms. Milewicz and I lived in the Condo from approximately 1999 through approximately 2012. We had and raised our three children there who are now aged 11, 13 and 19. Since then our children live with both their parents. We each support them financially although Ms. Milewicz and I are in litigation over our financial relationship and responsibilities.

7. I also own a residential property at 97 Rosewood Lane, Water Mill, New York 11976. It is a three bedroom home with over an acre of land. It was purchased for approximately \$875,000.00 in or about 1991. The secured lender asserts a mortgage against the Water Mill home of about \$4,000,000.00. I believe the home is worth in excess of \$5,500,000.00, well above the mortgage thereon.

E. Other Disclosures Required By Local Rule 1007-2

8. My photography and film production business, conducted through Ken Nahoum Productions, Inc. and Hypnotic Films, Inc., at one time generated in excess

of \$1,000,000.00 per year.¹ It was a very successful career for a time, but business activity has declined and in the last several years, generated far less revenue for me and my family.

9. This case was not originally commenced under chapter 7, 9, 12, 13 or 15 of the Bankruptcy Code.

10. No committee of creditors has been formed in this case to date.

11. As required by Local Bankruptcy Rule 1007-2(a)(4), a consolidated list of the Debtor's twenty (20) largest unsecured creditors is attached hereto as Exhibit "A".

12. As required by Local Bankruptcy Rule 1007-2(a)(5), a consolidated list of the Debtor's five largest secured creditors is attached hereto as Exhibit "B".

13. As required by Local Bankruptcy Rule 1007-2(a)(11), attached hereto as Exhibit "C" is a list of lawsuits currently pending against me.

14. My books and records are located at my residence located at 95 Greene Street, Units PH A and E, New York, New York 10012, although certain records are with my accountant and others.

15. I am an individual and, therefore, Local Bankruptcy Rule 1007-2(a)(12), which requires a list of the individuals who comprise the debtor's senior management, is not applicable.

16. As required by Local Bankruptcy Rule 1007-2(b)(3), for the (approximately) thirty (30) day period following the Petition Date, I anticipate cash

¹ Certain personal property in my home is owned by the corporations.

receipts of approximately \$0 and ordinary disbursements (including medical insurance for my children and me, medical, utilities, food, etc.) of approximately \$28,550.00.

17. The foregoing is true to the best of my knowledge, information and belief.

/s/ Ken Nahoum

KEN NAHOUM

Sworn to before me this
7th day of November, 2016

/s/ Lance Aaron Schildkraut
Notary Public

Lance Aaron Schildkraut
Notary Public, State of New York
No. 02SC6115102
Qualified in Queens County
Commission Expires August 30, 2020

EXHIBIT "A"

LIST OF THE DEBTOR'S TWENTY (20) LARGEST UNSECURED CREDITORS

Creditor Name and Address	Who Incurred the Debt	Is claim Subject to Setoff	Date Debt Was Incurred	As of the Date You File, the Claim is Contingent, Unliquidated and/or Disputed	Type of Nonpriority Unsecured Claim	Amount of Claim
Doma West Limited c/o Baker Hostetler LLP Attn: James Day, Esq. 45 Rockefeller Plaza New York, NY 10111	Debtor 1 only	No		unliquidated and disputed	promissory note	150,000.00
Navient Solutions, Inc. on behalf of Department of Education Loan Services P.O. Box 9635 Wilkes-Barre PA 18773-9635	Debtor 1 only	No	11/26/13	unliquidated and disputed	student loans	23,566.00
Kreinik Associates, LLC 747 Third Avenue, 23 rd Floor New York, NY 10017	Debtor 1 only	No		unliquidated and disputed	professional services	20,728.62
American Express c/o Becket and Lee LLP PO Box 3001 Malvern, PA 19355-0701	Debtor 1 only	No		unliquidated and disputed	credit card	4,906.79
Navient Solutions, Inc. on behalf of Department of Education Loan Services P.O. Box 9635 Wilkes-Barre PA 18773-9635	Debtor 1 only	No	11/26/13	unliquidated and disputed	student loans	4,136.53
PSEGLI Special Collections 15 Park Drive Melville, NY 11747	Debtor 1 only	No		unliquidated and disputed		3,003.11
Baroque Access 141 Fifth Avenue, 2 nd Floor New York, NY 10010	Debtor 1 only	Yes		unliquidated and disputed		3,000.00
Consolidated Edison Company of New York, Inc. 4 Irving Place, Room 1875-S New York, NY 10003	Debtor 1 only	No		unliquidated and disputed	utility	2,535.96
Credit Management LP 4200 International Parkway Carrollton TX 75007	Debtor 1 only	No	12/23/15	unliquidated and disputed	Time Warner Cable Company	2,393.00
Burger & Greene LLP Attn: Nancy Greene, Esq. 420 Lexington Avenue, Suite 1425 New York NY 10170	Debtor 1 only	No		unliquidated and disputed	professional services	1,500.00

NTL Credit Systems 117 E 24 th St 5 th Floor New York NY 10010	At least one of the debtors and another	No	8/27/12	unliquidated and disputed	West End Pediatrics	1,000.00
West End Pediatrics 450 West End Avenue New York, NY 10024	At least one of the debtors and another	No		unliquidated and disputed	medical bill	1,000.00
Professional Services of New York 2701 Middle Country Rd Lake Grove NY 11755	Debtor 1 only	No	12/21/11	unliquidated and disputed	WF McCoy Petroleum Products	461.00
Debt Recovery Solutions 6800 Jericho Tpke 113E Syosset NY 11791	Debtor 1 only	No	1/29/14	unliquidated and disputed	Verizon	182.00
Olde Town Animal Hospital 380 Country Road 39a Southampton NY 11968	Debtor 1 only	No		unliquidated and disputed		171.23

EXHIBIT “B”

DEBTOR’S FIVE (5) LARGEST SECURED CREDITORS

Creditor Name and Address	Who Owes the Debt	Date Debt Was Incurred	Description of Property Securing Claim	As of the Date You File, the Claim is Contingent, Unliquidated and/or Disputed	Nature of Lien	Amount of Claim	Value of Collateral That Supports This Claim	Unsecured Portion
JPMorgan Chase Bank, NA c/o Fein, Such & Crane, LLP Attn: Tammy L. Terrell Benoza, Esq. 1400 Old Country Road Suite C103 Westbury, NY 11590 and JPMorgan Chase Bank, NA Fein, Such & Crane, LLP Attn: Tammy L. Terrell Benoza, Esq. 7 Century Drive, Suite 201 Parsippany, New Jersey 07054	At least one of the debtors and another	1/23/2008	95 Greene Street, PH A, B, E, New York, NY 10012	unliquidated and disputed	mortgage	9,300,000.00	17,000,000.00	0.00

<p>Select Portfolio Servicing, Inc. P.O. Box 65250 Salt Lake City UT 84165</p> <p>and</p> <p>Select Portfolio Servicing, Inc. c/o Fein, Such & Crane, LLP Attn: Tammy L. Terrell Benoza, Esq. 1400 Old Country Road Suite C103 Westbury, NY 11590</p> <p>and</p> <p>Select Portfolio Servicing, Inc. Fein, Such & Crane, LLP Attn: Tammy L. Terrell Benoza, Esq. 7 Century Drive, Suite 201 Parsippany, New Jersey 07054</p> <p>and</p> <p>Select Portfolio Servicing, Inc. c/o Shapiro, DiCaro & Barak, LLC Attn: Robert W. Griswold One Huntington Quadrangle Suite 3N05 Melville, NY 11747</p>	Debtor 1 only	5/24/2006	97 Rosewood Lane, Watermill, NY 11976	unliquidated and disputed	mortgage	4,023,187.55	5,500,000.00	0.00
<p>Carol McNulty & Kull LLC 570 Lexington Ave New York, NY 10022</p>	At least one of the debtors and another	October 2012	95 Greene Street, PH A, B, E, New York, NY 10012	unliquidated and disputed	judgment for legal fees	200,000.00	17,000,000.00	0.00

Greene House Condominium Association c/o Paul Brensilber Jordan Cooper LLC 440 Ninth Avenue, 15 th Floor New York, NY 10001 and Greene House Condominium Association c/o Lewis Law PLLC Attn: Kenneth M. Lewis, Esq. 220 White Plains Road Tarrytown, NY 10591 and Greene House Condominium Association c/o Braverman Greenspun, P.C. Attn: Kelly A. Ringston, Esq. 110 East 42 nd Street, 17 th Floor New York, NY 10017	At least one of the debtors and another	August 2016	95 Greene Street, PH A, B, E, New York, NY 10012	unliquidated and disputed	common charges and assessments	190,000.00	17,000,000.00	0.00
--	---	-------------	--	---------------------------	--------------------------------	------------	---------------	------

Creditors identified in this schedule are identified as secured. However, the Debtor reserves all rights to dispute or reclassify them.

EXHIBIT "C"

PENDING LAWSUITS AGAINST THE DEBTOR

Case Title	Case No.	Nature of Case	Court or Agency	Status of Case
JPMorgan Chase Bank, NA v. Kenneth Nahoum, et al.	Index No. 108961/2009	foreclosure action	New York County Supreme Court	disposed
Citibank (South Dakota), N.A. v. Ken Nahoum	Index No. 113751/2009		New York County Supreme Court	active
Kenneth Nahoum v. Greene House Condominium	Index No. 107116/2011		New York County Supreme Court	active
Greene House Condominium v. Kenneth Nahoum	Index No. 110468/2011		New York County Supreme Court	active
U.S. Bank NA as Trustee, Successor in Interest to Bank of America, NA as Successor By Merger to LaSalle Bank NA as Trustee for Wamu Mortgage Pass-Through Certificates Series 2006-AR8 Trust v. Ken Nahoum, et al.	Index No. 001423/2012	foreclosure action	Suffolk County Supreme Court	disposed
Ken Nahoum v. Basia Milewicz	Index No. 158460/2015		New York County Supreme Court	active